Remarks

I. Introduction

This is in response to the Final Office Action dated September 29, 2008 and is being filed with a Request for Continued Examination.

The Office Action rejected claims 1-9 under 35 U.S.C. § 112 as being indefinite.

The Office Action rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,603,760 ("Smyk") in view of U.S. Patent Publication 2005/0074026 ("Soncodi"). The Office Action also rejected claims 1-10 based on 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,327,358 ("March") in view of Soncodi. Claims 11 and 12, which depend off claim 1, are newly presented.

Claims 1-12 are presented for consideration.

II. Rejection of Claims 1-10 under 35 U.S.C. § 112

Claim 1 was objected to because the Office Action states that there was insufficient antecedent basis for the limitations, "said first" and "said second." Solely to expedite issuance of the present application, applicants have amended the limitations to, "a first" and "a second."

III. Rejection of Claims 1-10 under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-10 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,603,760 ("Smyk") in view of U.S. Patent Publication 2005/0074026 ("Soncodi"). The Office Action rejected claims 1-10 based on 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,327,358 ("March") in view of Soncodi. Applicants provide arguments herein below to overcome this rejection.

The present application, as recited in paragraph [0012] of the present application, is directed towards aiding a shift in the equipment or technology of telecommunications networks. The invention may be used, for example, when

transitioning from a "4ESS" legacy network to a new "edge network" where the goal, as recited in paragraph [0018], may be the eventual migration of all calls from the legacy network to the new network. In embodiments of the invention, the method proceeds by guiding calls from a legacy network (i.e. a PSTN network) to a new network (i.e. a packet-switched network) and providing service processing in the new network based on a particular type of incoming trunk. In the example 1 of the present application, as recited from paragraph [0027] to [0036], an incoming trunk may, for example, be a "switched access or nodal trunk." Thus, depending on whether the incoming trunk was a switched access or nodal trunk, a call may be guided from a legacy network to a new network in embodiments of the invention.

The invention of Smyk concerns handling a phone call on a legacy or a new network (an "NGN") based on a subscription of a user. Smyk retrieves data in a subscription database to determine whether the dial-tone and services will be provided by the legacy or the new network. Thus, a customer chooses to subscribe to a first or second network. Smyk does not disclose that services are provided or that calls are guided to the new network based on the incoming trunk.

March is directed to routing a call to a packet switched network based on load factors. March is concerned with routing a toll-free call to a switch when doing so balances the load on the switches in a more efficient manner. The factors which are used by March are explained in col.6, lines 32-42 of the March reference, stating "proximity of the subscriber to each of a plurality of IP gateways . . . the cost of routing the call . . . the loading levels of the available IP gateways and the current outages of the ISP's IP gateways". March, however, does not disclose routing the call based on the type of incoming trunk.

Soncodi, in paragraph [0006], in the "Disclosure of the Invention" discloses that, "Based on one or more parameters in the signaling message, an incoming SIP trunk group is identified." Soncodi is concerned with identified SIP (Voice over IP) trunks groups only. Soncodi defines a trunk group as, for example, those trunks which have peers invited to a multimedia conference, such a

telephone call (paragraph [0020]). Thus, a "trunk group," as defined in Soncodi, are SIP calls which communicate with each other. Soncodi trunk groups do not comprise different types of trunks.

Independent claim 1, as amended, contains the limitation of "invoking service processing by said second of said at least two subnetworks based on the particular type of incoming trunk the call comes in on." This limitation is not shown in the cited references.

As noted above, Smyk discloses routing a call to a new network based on data in subscription database, and therefore does not disclose routing a call based on the type of incoming trunk. Col. 5 lines 47-49 of Smyk state, "[a] subscription database 417 contains information related to the customer's line such as whether the customer subscribes to communications services offered through the SM or through the class 5 switch." Smyk further states in col. 5 lines 54-47, "[b]ased on the information in the subscription database 417, the SM 416 determines that the customer has selected service features offered through the class 5 switch 418 and the call should be established in VLL mode." Thus, Smyk directs a call to a second subnetwork (i.e. through the class 5 switch 418) based on a user's subscription. Smyk does not disclose that the call is directed based on the type of incoming trunk. Thus, Smyk does not disclose "invoking service processing by said second of said at least two subnetworks based on the particular type of incoming trunk the call comes in on," as recited in independent claim 1.

March does not disclose routing a call based on the type of incoming trunk. March discloses routing a call based on criteria, as discussed in col. 6 of March. Specifically, col. 6., lines 25-27 state that "the call is redirected from its original destination to a new IP gateway coupled to a different location on the traffic network 104." Lines 32 through 42 further state, "[t]he redirection of calls may be performed statically such that all calls are redirected to a particular new IP gateway. Further, the redirection of calls may be performed dynamically such that calls are redirected to one of a plurality of IP gateways . . . depending upon operating criteria. Such operating criteria includes, for example, proximity of the

subscriber to each of a plurality of IP gateways . . . across the traffic network 104, the cost of routing the call via the traffic network 104, the loading levels of the available IP gateways and [t]he current outages of the ISP's IP gateways, among other criteria." March does not describe the criteria that the redirection of calls is based on being the type of the incoming trunk. March is concerned with redirection based on operating criteria and not with redirection based on the type of incoming trunk. Therefore, March does not disclose the limitation of, "invoking service processing by said second of said at least two subnetworks based on the particular type of incoming trunk the call comes in on," as described in independent claim 1.

Soncodi does not disclose that calls are processed based on a particular type of incoming trunk that the calls come in on. A type of incoming trunk may be, for example, a switched access or nodal trunk. Soncodi, as described above, is concerned with grouping only SIP trunks, based on, for example, placing calls together in a multimedia presentation. Soncodi does not disclose different types of trunks or invoking service processing based on the type of trunk. Again, Soncodi is only concerned with a single type of trunk and a grouping calls into a trunk group, not handling services on a new network based on a type of incoming call trunk. Therefore, Soncodi does not disclose "invoking service processing by said second of said at least two subnetworks based on the particular type of incoming trunk the call comes in on," as described in independent claim 1.

The Office Action states that this limitation has been taught in paragraphs [0019] to [0040] of Soncodi. MPEP 707, quoting 37 CFR 1.104(c)(2) states, "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." The Office Action has not clearly explained the pertinence of each reference requirement as set forth in the CFR or MPEP. If the Examiner persists in the rejection, applicants request that the Examiner cite

specific portions of the prior art references so that that Applicants can more fully respond to the rejection.

For the reasons discussed above, Smyk, March, and Soncodi, separately or in combination, do not disclose all of the limitations of independent claim 1. Thus, independent claim 1 is allowable over the cited art.

All remaining dependent claims are dependent upon allowable independent claim 1 and are therefore also allowable.

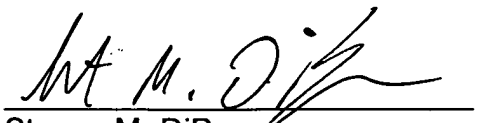
IV. New claims 11 and 12

Claims 11 and 12, which depend upon independent claim 1, are newly presented. The claim limitations of ""switched access" and "nodal trunk" are supported at least in paragraphs [0011] and [0039].

V. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



Steven M. DiPasquo
Reg. No. 54,754
Attorney for Applicants
Tel.: 973-533-1616

Date: January 21, 2009
AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921